

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**NICOLAS A. DELEON,**

**Plaintiff,**

**v.**

**Case No. 05-C-521**

**OFFICER KEVIN RICE, OFFICER RONN  
K. GRACE, and OFFICER STEVEN A. GUTH,**

**Defendants,**

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**ORDER**

Plaintiff Nicolas DeLeon, whose last known address was at the Waukesha County Huber Facility (WCHF), filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on May 10, 2005, and was granted leave to proceed in forma pauperis on June 10, 2005. Originally, plaintiff named “Waukesha County Municipality” as a defendant in this action along with the above-named defendants. By order of October 20, 2005, the court dismissed defendant Waukesha County Municipality from this case and provided the plaintiff with 30 days to file a motion seeking leave to amend the complaint to add the City of Waukesha as a defendant.

On January 4, 2006, I granted plaintiff’s motion to amend the complaint to add “City of Waukesha Municipality” as a defendant and directed the plaintiff to file his amended complaint naming this new defendant within 21 days of the date of the order. To date, the plaintiff has not filed the amended complaint. A review of the file reveals that a copy of the January 4, 2006, order was mailed to plaintiff at his last known address but was returned to the court marked “return to sender” on January 8, 2006. The file also reveals that in the

June 6, 2005, letter from plaintiff notifying the court of his address at the WCHF, he stated that the court could send mail to his mother's address (1639 Aldoro Dr., Waukesha, WI 53188) if he could no longer be reached at the WCHF. (Docket # 4.)

In view of the above, I will grant plaintiff an additional fourteen (14) days to file the amended complaint. A copy of this order and the order of January 4, 2006 will be mailed to plaintiff at his mother's address. If an amended complaint is not filed naming the "City of Waukesha Municipality" as a defendant, he will not be allowed a further opportunity to add that entity as a defendant in this case.

**For the foregoing reasons,**

**IT IS THEREFORE ORDERED** that plaintiff shall file his amended complaint within fourteen (14) days of the date of this order. If an amended complaint is not filed within fourteen (14) days of the date of this order, plaintiff will not be permitted to add the "City of Waukesha Municipality" as a defendant.

**IT IS FURTHER ORDERED** that the United States Marshal shall effect service upon "City of Waukesha Municipality" pursuant to Federal Rule of Civil Procedure 4, upon filing of the amended pleading by the plaintiff.

Dated at Milwaukee, Wisconsin, this \_\_\_\_ day of February, 2006.

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LYNN ADELMAN  
District Judge